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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,920	02/02/2001	James J. Alwan	100.718.419 (MIC- 77US)	8909
24247	7590	03/20/2007	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			MACCHIAROLO, PETER J	
			ART UNIT	PAPER NUMBER
			2879	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/775,920	ALWAN, JAMES J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter J. Macchiarolo	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-26 and 33-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-26 and 33-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 02/14/2007. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.14. Applicant's submission filed on 01/22/2007 has been entered. However, pending claims 13-26 and 33-45 are not allowable as explained below. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 13-26, and 33, 34, 37-39, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of previously cited Potter (USPN 5700176; “Potter”).**

Regarding claims 13-21, 24, and 39, AAPA discloses a method of forming an FED comprising providing a substrate having a central area and a peripheral area, forming alignment marks and bond pads on the peripheral area of the substrate, forming an emitter electrode structure on the central area of the substrate, forming a plurality of micropoints in groups on the emitter electrode structure, depositing an insulating layer over the substrate, emitter electrode

structure, and plurality of micropoints, and depositing a conductive layer over the insulating layer. Applicant further admits it is known that selectively etching openings through the conductive and insulating layers comprises applying a layer of photoresist on said conductive layer, imaging said photoresist to define a pattern for said openings, developing the photoresist, and etching the pattern for the openings (see for example instant specification, page 3 paragraph 3). The Examiner further notes that the prosecution history has also shown this to be a well-known method of manufacture.

Applicant further admits a method of making a semiconductor wafer to clear alignment marks by locally applying wet etchant instead of lithographic techniques to uncover a structure are known in the art to effectively clear the marks without the use of photolithography (instant specification page 4, paragraph 2).

AAPA are silent to using this method to manufacture an FED, or to the exact distance away from the alignment mark structure the etchant is applied.

However, Potter teaches in the abstract and in at least column 1 lines 23-32 that processes used to manufacture FED's utilize processes and equipment similar to those used for semiconductor fabrication, which allows a wide range of materials with less stringent controls of material purity. Further, Potter shows in figure 1, an anode assembly (70) and a cathode assembly (100) including a structure in a peripheral area thereof covered by at least one layer of material comprising part of the cathode assembly in an FED, can be automatically aligned, or aligned according to the well-known prior art method i.e. with alignment marks by etching through the at least one layer of material. Potter further teaches contact pads are selectively

provided at the device top surface to make electrical contact, which may require the same clearing method as described in AAPA.

Furthermore, AAPA infers applying etchant within only less than 200 microns laterally away from the structure since AAPA disclose the etchant is used to uncover and clean the edge of a wafer. One of ordinary skill in the art will immediately recognize in order to uncover the structure with a wet etchant, the etchant must be applied directly on top of the structure to effectively uncover it, the distance then being approximately zero microns, thereby falling into the claimed range of 200 microns.

Even if, arguendo, Potter or AAPA did not infer this exact distance, this is a matter of obvious design choice, since Applicant has not adequately disclosed any testing or analytical data which establishes criticality for these modifications, or recites any specific advantage the invention benefits from over the prior art from this modification. Further, one would arrive at this distance for a variety of reasons, such as to effectively clear the structure while reducing the time and cost of the manufacturing processes.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct an FED with the method of AAPA and Potter with the etchant being applied within 200 microns of the structure to allow for less pure materials and cheaper manufacturing method.

Regarding claims 22, and 23, Applicant admits in at least numbered paragraph 24 of the published specification that the prior art includes a method of forming a cathode assembly of a field emission device comprising polishing the conductive layer via chemical-mechanical

planarization. The Examiner further notes that the prosecution history has shown this to be a well-known method of manufacture.

Regarding claim 25, most of the limitations herein have been previously discussed above, with the exception of forming a plurality of micropoints on the emitter electrode structure, depositing an insulating layer over the substrate, emitter electrode structure, and a plurality of micropoints; with walls defining the openings being spaced away from the micropoints. Not only does Potter teach this configuration throughout the specification and drawings, this is a well-known configuration of an FED. The reasons for combining and motivation are the same as for rejected claim 13 above.

Regarding claims 26, 33, 34, 37, 38, and 42-45 the limitations herein have been discussed at rejected claims 13 and 16 above and will not be repeated here. The reasons for combining and motivation are the same as for claim 13.

**Claims 35, 36, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Potter in further view of previously cited Fishkin et al (USPN 6202658; "Fishkin").**

Regarding claims 35 and 40, AAPA and Potter are silent to the exact method of applying the wet etchant.

However, Fishkin teaches at least in figure 5 and col. 5, ll. 11-19 that applying the etchant on the periphery in elongated spray zones allows for proper wet etchant application without damaging critical parts of the device.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of AAPA and Potter by applying the etchant on the periphery in elongated spray zones to allow for proper wet etchant application without damaging critical parts of the device.

Regarding claims 36, and 41, Fishkin shows applying an etchant from a nozzle in the etchant dispenser while moving the nozzle over the device, but is silent to moving the nozzle linearly.

However, this is an obvious modification if the bond pads are in a linear configuration, as in an FED of Potter. The motivation and reasons for combining are the same as for claim 35 above and will not be repeated here.

#### *Response to Arguments*

Applicant's arguments filed 01/22/2007 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By   
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